IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION

NO.: 5	:08-CV-388-H(3)	
PAUL W. WILSON,)	
Plaintiff,)	
)	
v.)	ORDER
PNC BANK, N.A. and RONALD D.)	
FOXWORTH,)	
Defendants.)	

This matter is before the court on the motion to stay discovery filed by PNC Bank, N.A. ("PNC"). Plaintiff has responded, and this matter is ripe for adjudication.

PNC moves this court to stay discovery pending the resolution of defendant's motion to dismiss, including a stay of the requirements to conduct an initial pretrial conference and submit a discovery plan as mandated by Rule 26(f) and the requirement to provide initial disclosures as required by Rule 26(a). PNC argues that plaintiff's complaint sets out 23 causes of action, many of which PNC contends are duplicative of claims already dismissed with prejudice in a previous state court action. Furthermore, PNC argues the remaining claims are also legally insufficient. Plaintiff has responded, essentially arguing he has a right to discovery.

The court, having reviewed the matter, finds a stay of discovery is appropriate in this matter. Therefore, PNC's motion to stay discovery [DE #34] is GRANTED. Discovery in this matter is stayed until the pending motions to dismiss are decided by this court. After a decision on the pending motions, discovery may be had on any claims which remain. The court notes there are several motions pending in this case, all of which will be ruled upon in due course.

This 9^2 day of December 2008.

Malcolm J. Howard

Senior United States District Judge

At Greenville, NC #26